

REMARKS

Receipt of the Office Action of July 23, 2008 is gratefully acknowledged.

The examiner has objected to one of the amendments made to page 3 of the specification with the response filed on May 30, 2008. Accordingly, a revised amendment to page 3 is being submitted herewith. In addition, the examiner has objected to proposed figure 2 because it does not include reference numbers. Accordingly, a REPLACEMENT SHEET for Fig. 2 is being submitted herewith which includes reference numbers. In conjunction with this correction to Fig. 2, page 7 of the specification has been amended to reflect the added reference numbers.

Next, the examiner has objected to claim 26 because it does not end with a period. Accordingly, claim 26 has been amended to provide the necessary period.

Finally, the examiner has rejected claims 14, 15, 21 and 25 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink and Cuzzo et al, rejected claim 16 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al and Jurisch et al, rejected claim 17 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al, Jurisch et al and Aisenberg et al, rejected claims 18 and 22 - 24 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al and Havekost et al, rejected claim 19 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al, Havekost et al and AAPP, rejected claim 26 under 35 USC 103(a) as unpatentable over Wischinski in view of Havekost et al, rejected claim 27 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al, Havekost et al and Alexander, III et al, and rejected claim 28 under 35 USC 103(a) as unpatentable over Wischinski in view of Ten Brink, Cuzzo et al and Alexander, III et al.

These rejections have been carefully considered, with the result that applicants believe that claims 14 - 19 and 21 - 28 patentably distinguish over the art as applied in

the noted rejections. Accordingly, the noted rejections are respectfully traversed.

It is respectfully submitted that Wischinski and Ten Brink , alone or together, would not be appropriate to lead a skilled person to the present invention as claimed. Ten Brink. For example, deals with a problem which is different from that addressed by the present invention. Ten Brink intends to prevent unauthorized competitors from being able to connect their field devices in an automation system if the field devices do not belong to the SIMATIC series. When integrated in the automation system the field device transmits some identification information and a special text to the central processing unit.

On the one hand, a device which does not transmit the text is not allowed to operate within the automation system. On the other hand, in the case that the non-authorized field device transmits the text the producer of the non-authorized field device violates provisions of law against unfair competition. Consequently such a competitor is in an inescapable trap. This disclosure is found on page 3 of the English text of the Ten Brink document. In the last paragraph on page 3 of the English language text Ten Brink states that "...the invention is intended to provide in the automation systems a methodthat a competitor would have to identically copy in order to operate its assemblies..." resulting in the aforementioned "inescapable trap."

Ten Brink does not disclose a method which makes it possible to recognize that tampering of a field device which was originally properly installed in the automation system has occurred. This is the present invention and this is what is being claimed.

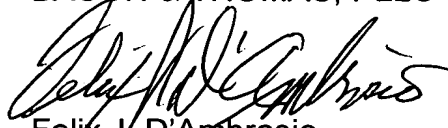
The remaining references applied by the examiner are of little or no help in this regard. We have, then, some references which bear some similarity to the present invention (more properly, peripheral similarity) but not actual identity or suggestion as to the present invention. Approximation to the invention is not enough; more is needed, and the references of record do not provide it.

Accordingly, claims 14 - 19 and 21 - 28 should be allowed.

Date: Oct. 23, 2008

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', written over the printed name.

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